

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DEPOSITION OF MICHELE NICOLE FRENCHKO

NIKI FRENCHKO,	)	
	)	
	)	Case No.
Plaintiff,	)	
	)	4:23 CV 00781
VS.	)	
	)	
	)	
PAUL MONROE, ET AL.	)	
	)	
	)	
Defendants.	)	

Deposition taken in the above-entitled cause, pursuant to Agreement before Jodie L. Algarin, a Notary Public for the State of Ohio, on September 13, 2023, to be used pursuant to the Rules of Civil Procedure or by agreement of counsel in the aforesaid cause of action, pending in the United States District Court for the Northern District of Ohio, Eastern Division.

1 APPEARANCES OF COUNSEL

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3  
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County Sheriff's Office, Mauro Cantalamessa and Frank  
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## STIPULATIONS

It is stipulated and agreed by and between counsel for the parties hereto that this deposition may be taken remotely at this time, 11:34 a.m., September 12, 2023, via Zoom conference.

It is further stipulated and agreed by and between counsel that the deposition may be taken in shorthand by Jodie L. Algarin, a Notary Public within and for the State of Ohio, and may be by her transcribed with the use of computer-assisted transcription; that the witness's signature to the finished transcript of her deposition is not waived; and that the deposition will be available for the witness to read and sign the finished transcript of her deposition.

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BY MR. BETRAS - PAGE(S) 8, 9, 10, 11, 12, 13, 14, 15, 16,  
19, 25, 26, 27, 28, 34, 35, 41, 44, 52

DEFENDANT'S EXHIBITS:

EXHIBIT A - PAGE 38

1 (All counsel agreed off record to the stipulation  
2 of the remote administration of the oath and remote  
3 reporting of the deposition.)

4 WHEREUPON,

5 MICHELE NICOLE FRENCHKO,

6 Called as a witness, having been first  
7 duly sworn by the Notary Public to testify  
8 the truth, the whole truth and nothing but  
9 the truth, was examined and testified as  
10 follows:

11 CROSS EXAMINATION

12 BY MR. DOWNEY:

13 Q. Commissioner Frenchko, as you know, my name  
14 is Dan Downey. I represent the Board of Commissioners,  
15 Sheriff Monroe and Commissioner Cantalamessa and former  
16 Commissioner Fuda in a lawsuit that you filed.

17 I'm going to ask you a number of questions today  
18 regarding that lawsuit. If at any point you don't  
19 understand one of my questions, I ask that you advise me  
20 of that so that I can ask the question more clearly;  
21 otherwise, for purposes of the record, we will accept  
22 that you understood the question and answered it  
23 accurately. Can we agree to do that today?

24 A. Yes.

25 Q. I ask that you permit me to finish my

[REDACTED]

1 high schools, and that's why I didn't understand.

2 It's --

3 Q. So typically, Commissioner Frenchko, in  
4 depositions we'll ask people about their educational  
5 background for background information, so if you could,  
6 just share with me where you went to school and what  
7 degrees you obtained so that we can put that down for the  
8 record.

9 A. I went to Howland Christian School and  
10 Warren G. Harding. I went to Youngstown State  
11 University. Are you only asking --

12 MR. BETRAS: Niki, answer the question  
13 about your educational background. Give him every  
14 college you went to and whatever degrees you did or did  
15 not obtain.

16 THE WITNESS: I put everything in the --

17 MR. BETRAS: Niki, answer his question.

18 THE WITNESS: Okay.

19 A. I went to Youngstown State University and  
20 got a degree in social work, and I went to -- I'm  
21 sorry -- Kent State University and got a master's  
22 degree --

23 Q. Was that in social work as well?

24 A. -- in public administration.

25 Q. And when were you first elected to the board

1 of the Trumbull County Commissioners?

2 A. 2021 is when I was sworn, when I took  
3 office.

4 Q. And since you've been sworn into office as a  
5 Trumbull County Commissioner, are you aware of any rules  
6 in place for the conduct of board members during  
7 commissioner meetings from when you entered the board to  
8 the present day?

9 A. Can you be -- I'm sorry. Can you be more  
10 clear?

11 Q. I'm sorry?

12 A. Can you be more -- what are you asking  
13 specifically?

14 Q. I'm asking you whether there are any rules  
15 of conduct in place for members of the board of  
16 commissioners in Trumbull County during the time that  
17 you've been on the board from your entrance to the present  
18 day.

19 MR. BETRAS: Objection. Go ahead and  
20 answer, Niki.

21 A. We adopt Robert's Rules annually, but  
22 they're not followed. They never have been. I try.

23 Q. So just so that I'm clear, Commissioner  
24 Frenchko, is it your testimony that the Robert's Rules  
25 have been in place since you've joined the board, but you



1 take issue with whether those rules are actually followed?

2 A. Yes.

3 Q. And would you explain to me what your  
4 understanding of the Robert's Rules are?

5 A. A parliamentary guideline for running  
6 meetings. I -- I mean, it defines the rules of speaking  
7 and conducting meetings.

8 Q. And during the July 7th, 2022,  
9 commissioner's meeting that is a part of your lawsuit, do  
10 you believe that you complied with the Robert's Rules  
11 during your conduct that day?

12 MR. BETRAS: Objection. Go ahead and  
13 answer, Niki.

14 A. There was an order of the day that we were  
15 supposed to go by based on the agenda, and since they  
16 were trying to read something out of order, I do believe  
17 that I was complying as it related to trying to get the  
18 meeting back on track according to the order of the day.

19 Q. Who determines, for purposes of the board,  
20 whether or not the meeting is proceeding appropriately  
21 under the Robert's Rules?

22 MR. BETRAS: Objection. Go ahead and  
23 answer, Niki.

24 A. It depends --

25 MR. DOWNEY: You can have a continuing

1 objection to any Robert's Rules questions if Mr. Betras  
2 would like.

3 MR. BETRAS: Yes. Show a continuing  
4 objection. You're asking her to interpret Robert's  
5 Rules of Order. I'm not so sure she's able to do that,  
6 but go ahead, Niki, answer his question.

7 A. I'm sorry. Can you repeat the question?

8 MR. DOWNEY: Jodie, can you read it back?

9 (The record was read as requested.)

10 A. That would depend on the juncture of the  
11 meeting if it's in the motion that was being made.  
12 Sometimes it's the board and sometimes it's -- sometimes  
13 it's the body and sometimes it's the president.

14 Q. And specifically during the meeting the  
15 clerk, Ms. Vivoda-Klotz, was reading a letter into the  
16 record; is that correct?

17 A. When she --

18 MR. BETRAS: The question is, was Paula  
19 Klotz reading a letter into the record. That was the  
20 question he asked you.

21 MR. DOWNEY: On July 7th, 2022.

22 A. Yes, she was.

23 Q. Okay. And do you believe it to be  
24 appropriate to disrupt her ability to read that letter  
25 uninterrupted?

1 MR. BETRAS: Objection. Go ahead and  
2 answer, Niki.

3 A. Absolutely.

4 Q. And why do you believe it was appropriate to  
5 interrupt Ms. Vivoda-Klotz as she attempted to read the  
6 letter from Sheriff Monroe?

7 MR. BETRAS: Objection. Go ahead and  
8 answer, Niki.

9 A. We were in -- we were still going in order  
10 of the day for the agenda, and we still had other things  
11 on the agenda, and the rest of the board did not agree  
12 to go out of order, and that's what would have had to  
13 happen if they were going to change things around from  
14 the agenda's order. We still had an executive session.

15 Q. So did you attempt to coordinate with the  
16 other board members prior to interrupting Ms. Vivoda-Klotz  
17 from reading the letter from Sheriff Monroe?

18 A. Yeah.

19 MR. BETRAS: Objection as to form. Niki,  
20 wait. Objection as to form. Go ahead and answer, Niki.

21 A. I attempted to remind them by saying that  
22 we were out of order and that wasn't on the agenda.  
23 That was my effort to make that motion, so yes.

24 Q. And so was your motion overruled?

25 A. No. The motion that I made should not

1 have been overruled by the president. It should have  
2 been decided by the board.

3 Q. So but my question was, were you overruled?

4 A. No.

5 Q. Not what should have happened.

6 A. No, because my duty when it comes to that  
7 type of a motion would be to get the board back on track  
8 and to, in fact, interrupt.

9 Q. Why did you believe it made more sense to  
10 interrupt the clerk for reading the letter than just  
11 letting her read the letter and moving on?

12 A. It was not on the agenda to do so. It was  
13 out of order, and I had been trying since I've been  
14 there to get proper training for the board on the rules,  
15 and I was trying to get us back on track.

16 Q. Do you believe it is appropriate to violate  
17 one rule in order to enforce another during the course of  
18 a board meeting?

19 MR. BETRAS: Objection. Go ahead, Niki.

20 A. I don't believe I was violating a rule.

21 Q. But that's not my question, Commissioner  
22 Frenchko. Would it be appropriate to violate a rule if  
23 you felt that rule was more important than another one?

24 MR. BETRAS: Objection. Calls for  
25 speculation. Go ahead and answer, Niki.

1 A. I don't understand your question because  
2 it's a hypothetical. I really am confused. I'm sorry.

3 Q. Well, I'll try to say it in a way that's  
4 more articulate, if I'm able to do that. So it's your  
5 testimony that you felt that it was a violation of board  
6 rules for Ms. Vivoda-Klotz to read that letter at the time  
7 that she was doing so; is that correct?

8 A. Yes.

9 Q. Okay. Would it also be a violation of the  
10 rule for a commissioner to interrupt the reading of that  
11 letter if the board president did not approve that  
12 disruption?

13 A. No.

14 Q. Why?

15 A. As I --

16 MR. BETRAS: Objection. Go ahead and  
17 answer, Niki.

18 A. As I explained, it was order of the day,  
19 and it's not up to the president in that situation to  
20 overrule. It's up to the board, and so the board was  
21 the body that needed to make that decision, not -- it  
22 can't be overruled.

23 Q. Do you believe it's appropriate to interrupt  
24 other folks when they're speaking at board meetings?

25 MR. BETRAS: Objection. Go ahead and

1 answer, Niki.

2 A. At times. It depends.

3 Q. Do you believe it was appropriate to  
4 interrupt Ms. Vivoda-Klotz while she was reading the  
5 letter?

6 A. Absolutely.

7 MR. BETRAS: Objection. Go ahead and --  
8 Niki, just give me a second. Objection. Go ahead and  
9 answer.

10 A. Yes.

11 Q. And did you have any issue with the content  
12 of Ms. Vivoda-Klotz's letter?

13 A. Yes.

14 Q. What was your problem with the content of  
15 the Vivoda-Klotz letter that was with Sheriff Monroe, just  
16 so the record is clear?

17 A. Well, the letter -- the letter was not to  
18 be read during the meeting. The letter -- I had an  
19 issue with the letter and its content. Letters are not  
20 ever read during the agenda. If anyone reads a letter,  
21 a letter is read at the end by the individual who brings  
22 it in public comments. It is never customary to insert  
23 a letter into the middle of the agenda for reading.  
24 There's no -- there's no area on our agenda for  
25 communication, and most certainly there was not in

1 between that agenda item and the executive session to  
2 just insert something.

3 Q. So just so that I understand, are there ever  
4 times when the board of commissioners in Trumbull County  
5 addresses issues or permits comments on matters that  
6 aren't on the agenda for any meeting?

7 MR. BETRAS: Objection. Go ahead and  
8 answer, Niki.

9 A. I'm sorry. What was that again? Are  
10 there times that --

11 Q. That you address issues in the course of the  
12 meeting that aren't on the agenda?

13 A. Yes.

14 Q. How often does that happen?

15 A. I don't know.

16 Q. Have you ever addressed an issue in the  
17 context of a Trumbull County Board of Commissioner's  
18 meeting that wasn't on the agenda?

19 A. Yes, but not after an order of the day is  
20 called.

21 Q. Tell me what an order of the day is so that  
22 I can understand it.

23 A. I've already explained that. It's just  
24 going out of order from the agenda and trying to get the  
25 board back on track.

1 Q. And just so I'm clear, there are times that  
2 issues are addressed that aren't on the agenda during the  
3 course of a board meeting; is that right?

4 A. Commissioner issues. We don't have other  
5 elected officials come in and have the clerk, who's not  
6 even our -- their employee read things. That's not  
7 customary. That's never happened, to the best of my  
8 recollection. I mean, other elected officials read  
9 things themselves or send representatives to read things  
10 at the end of the meeting, but not in the middle of the  
11 meeting have we had people just come in and not be on  
12 the agenda.

13 Q. As you sit here today, do you know whether  
14 Sheriff Monroe asked for the letter to be read in the  
15 meeting?

16 MR. BETRAS: Objection. Go ahead and  
17 answer, Niki.

18 A. I believe that he did.

19 Q. Why do you believe that?

20 A. Because there was a lot of bad publicity  
21 for the sheriff and -- related to how he was running the  
22 jail and inmate care and the jail contract, and he was  
23 embarrassed by what I had done, and I know that there  
24 were discussions with him and the other commissioners.  
25 And that there was discussion in our office about the



1 revised code that was used in order to try to -- in  
2 order to arrest me, and I believe that there was  
3 instruction by Paul Monroe, and there was a letter --  
4 or, I'm sorry, the statute of the revised code that was  
5 used to arrest me was sitting on the clerk's desk not so  
6 recently before that, so I absolutely believe that this  
7 was put together for the purpose of arresting me and  
8 that there was communication and that it was set up. We  
9 also don't even have deputies that would regularly  
10 monitor the meetings, but in that particular meeting  
11 they were there, and it was surprising. Road deputies,  
12 people --

13 MR. BETRAS: Niki, I want you to listen to  
14 what he's asking and answer his question.

15 THE WITNESS: Okay.

16 MR. DOWNEY: Thank you, Mr. Betras.

17 Q. I did not wish to interrupt you,  
18 Commissioner Frenchko, and I know that you were speaking  
19 and sort of moved on to some other stuff, and I'm going to  
20 go back to where we started with the question, and the way  
21 I'm going to ask it is as follows: Do you yourself have  
22 any evidence that Sheriff Monroe asked to have that letter  
23 read at the July 7th, 2022, meeting?

24 A. I don't know. We're reviewing discovery,  
25 and -- I can say I don't know.

1 Q. Okay. Just so that I understand -- I  
2 appreciate that response. Now, do you yourself have any  
3 personal information, personal evidence that you observed  
4 to suggest that Sheriff Monroe played any role in your  
5 arrest on July 7th, 2022?

6 A. Yes.

7 Q. And what is that evidence?

8 A. The communications among staff and the  
9 deputies and the sheriff and all of the people who were  
10 contacted, and the discussion that was taking place  
11 among all the parties associated with the arrest, and  
12 the destruction of all of the evidence and text  
13 messages, and when the sheriff turned his phone in to  
14 further hide the communications.

15 Q. And so just so that I understand,  
16 Commissioner Frenchko, and I appreciate you providing us a  
17 number of topics in your response, have you personally  
18 observed any piece of evidence that Sheriff Monroe ordered  
19 your arrest on July 7th, 2022?

20 A. Yes.

21 Q. What piece of evidence have you observed?

22 A. Phone records.

23 Q. Which phone records?

24 A. His phone records, the deputies' phone  
25 records, all of the discovery records that I looked at

1 and worked with my legal counsel on.

2 Q. And I appreciate your response, Commissioner  
3 Frenchko; however, I've got to follow up, because I've  
4 looked at the same documents, okay, and what I want to  
5 understand is, can you point me to any specific piece of  
6 evidence, whether it be an email, a voicemail message  
7 that's been typed up, testimony or information from any  
8 other witness to suggest that Sheriff Monroe contacted  
9 those officers or was somehow involved in your arrest on  
10 July 7, 2022?

11 A. I don't remember the specifics. I'm  
12 sorry.

13 Q. And if I represented to you, Commissioner  
14 Frenchko -- probably over the objection of your counsel --  
15 but if I represented to you that there's no evidence in  
16 the case that I've observed, whether it be a written  
17 record or anticipated testimony from anyone else that  
18 Sheriff Monroe played no role in your arrest on  
19 July 7th, 2022, would you have any reason to disagree with  
20 that statement?

21 A. I'm sorry. Can you repeat the statement?

22 MR. DOWNEY: Ms. Algarin, can you read  
23 that back?

24 (The record was read as requested.)

25 MR. BETRAS: Note my objection. Go ahead

1 and answer, Niki.

2 A. Yeah, I disagree with that statement. I  
3 disagree with what was just -- what he said, that he had  
4 no involvement.

5 Q. Why? Why do you disagree with that  
6 statement?

7 A. He has been -- the -- the entire -- the  
8 people there, the group, the other commissioners, all  
9 the democrats who are in office have been working  
10 together to -- against me. We had another case before.  
11 The sheriff has -- had sent people threatening to file  
12 something against me. They're -- it's very political,  
13 and even when Klotz filed what she filed against me at  
14 that point in time, the sheriff had his employee passing  
15 notes, and I preserved the records and got copies of the  
16 sheriff's deputies over in the commissioner's office  
17 helping the staff.

18 It's -- what the county's done -- they work during  
19 the business day -- employees are working during the  
20 business day on actions, whether it be lawsuits or  
21 grievances or schemes against me for the last, you  
22 know -- since about six months into my term. They --  
23 everything that has happened -- and he was very angry  
24 about me disclosing the information that was going on in  
25 the jail with the inmates.

1 I've been critical of him -- his inability to do  
2 the budget. I -- he told me that he made an  
3 agreement -- a handshake agreement related to Trumbull  
4 County Fair property, and I said, you know, in  
5 government and real estate there's no such thing as a  
6 handshake agreement. I believe the sheriff, along with  
7 the other men there, you know, Mauro and Frank, have  
8 been extremely embarrassed by me exposing how they've  
9 been doing business over the last -- over their terms in  
10 a very inept and corrupted way by passing contracts off  
11 to people.

12 He's very angry over the jail contract expose say  
13 that they were having a county employee, Matt Blair, was  
14 also putting on the hat as the attorney for the vendor  
15 who was the jail doctor and then preparing the contract  
16 that the board of commissioners was supposed to sign.  
17 I'm the only person who said anything about it. They're  
18 absolutely embarrassed by my exposure -- exposing all of  
19 those things, yeah.

20 Q. So if I may, Commissioner Frenchko, and I  
21 appreciate you gave me a pretty long answer to that  
22 question, and I want to make sure that I fully understand  
23 what you just told me. Initially I think you started out  
24 with stating that a lot of the political leaders in  
25 Trumbull County are at odds over various policy issues; is

1     that correct?

2     A.                 I don't really think that that's what I  
3     said.

4     Q.                 I'm attempting to paraphrase.  Would it be  
5     more accurate to state that some of the political leaders  
6     in Trumbull County simply have differences of opinion with  
7     you regarding government and how it should be operated?

8     A.                 It's not differences of -- I wouldn't say  
9     it's differences of opinion.  They want to hide and  
10    conceal the way they've been doing things in a very  
11    poor, illegal fashion for decades, and I'm bringing  
12    those things to light.

13    Q.                 Okay.  And so I'm going to circle back, and  
14    I understand your testimony.  I appreciate it,  
15    Commissioner Frenchko, but I'm going to circle back to  
16    whether you have any specific evidence with respect to  
17    Sheriff Monroe's role in your arrest.  I understand your  
18    testimony that you believe that you were uncovering  
19    information regarding the conduct of government that is  
20    improper, and I believe you used words like illegal in  
21    your testimony.

22                 Setting that aside, do you have any evidence,  
23    evidence that Sheriff Monroe played a role in your  
24    arrest on that date, setting aside if there are  
25    political controversies that may be in place among the

1 members of the board or sheriff or other political  
2 leaders of Trumbull County?

3 A. I believe I already answered that, and the  
4 answer was yes.

5 Q. And I'm going to ask it one more time,  
6 because I'm not sure I've heard the answer to this  
7 question, Commissioner. It's not because I'm attempting  
8 to offend you, but what actual evidence do you have?

9 A. Records -- the phone -- to the best of my  
10 recollection, and not saying that this is an exhaustive  
11 list, but it would be phone records and their conduct to  
12 hide everything, and their efforts to suppress --  
13 suppress exculpatory evidence, and that's not something  
14 that innocent people do.

15 Q. And I'm sorry, Commissioner Frenchko, but I  
16 didn't understand suppress exculpatory evidence. Can you  
17 please tell me what you mean by that statement?

18 A. When we made the discovery request and all  
19 of those things were deleted and destroyed.

20 Q. What are all of those things?

21 A. You could -- I don't remember all of them,  
22 but they were mostly phone records and videos and things  
23 that were all destroyed -- given knowledge and  
24 understanding by elected officials, not just that --  
25 during a legal proceeding that it's required to maintain

1 those with -- because of litigation, but because we have  
2 records retention policies and -- record retention  
3 schedules, and because we are all trained and versed in  
4 Sunshine, and we recognize that everything that  
5 documents the activities of the office need to be  
6 preserved, and having people destroy all of those things  
7 is suggestive, in my opinion, that they were trying to  
8 hide something. They didn't want to be revealed.

9 Q. What specific videos are you referring to?

10 A. I don't remember all of the videos  
11 requested. I do believe that I requested videos in my  
12 building for the week or two leading up to my arrest. I  
13 believe that there was also video in the jail and the  
14 administrative offices of the sheriff. Those would be  
15 the videos.

16 Q. Commissioner Frenchko, I believe you read a  
17 letter into the record at an earlier meeting from the  
18 mother of an inmate that ultimately led to the letter that  
19 was sent from Sheriff Monroe; is that correct?

20 A. That I read an email?

21 Q. Yeah. You read correspondence into the  
22 record at a commissioner's meeting.

23 A. Yes.

24 Q. And did you do anything to verify the  
25 accuracy of what you read into the record at that



1 commissioner's meeting regarding the claims made by the  
2 inmate's mother?

3 MR. BETRAS: Objection. Go ahead and  
4 answer.

5 A. Actually, I spoke to the jail where the  
6 person was transferred. I did talk to -- I did do  
7 additional research, and that's when I found that there  
8 were dozens of problems going on there, so me bringing  
9 that public, which, by the way, I didn't read that until  
10 we got to the comment section where we discussed things  
11 for the good of the order. I didn't read that and  
12 insert that into the meeting in any way, but I became  
13 aware of a lot of problems that were going on over  
14 there. And I did do additional -- I talked to the  
15 mother. I talked to the mother, and she explained  
16 everything, so it wasn't just a correspondence that I  
17 read.

18 Q. And I want to make sure I understand fully  
19 everything that you did. I understand that you talked to  
20 the mother and that you read it into the record at a  
21 different point in time in the meeting than what occurred  
22 on July 7th, 2022. My question is, what did you yourself  
23 do to satisfy yourself that the content of that  
24 correspondence was accurate prior to reading it?

25 A. What did I do to -- I don't know. I mean,

1 I spoke to the mother who I had known for over a decade,  
2 so --

3 Q. And is it fair to say that you trusted her  
4 opinion when you read the letter?

5 MR. BETRAS: Objection. Go ahead and  
6 answer.

7 A. I spoke to her. I know that she's an  
8 honest person, and it wouldn't -- in my opinion, it  
9 wouldn't matter -- there are concerns that the public  
10 should be aware of them. It's my opinion that the  
11 public should be made aware of concerns.

12 Q. And as you sit here today, do you believe  
13 that it would be appropriate to raise the concerns raised  
14 in that letter in a commissioner's meeting without  
15 verifying the accuracy of the allegations made in the  
16 letter?

17 MR. BETRAS: Objection. Go ahead and  
18 answer, Niki.

19 A. Yes, I believe that we should be able  
20 to -- we are to raise issues that are concerns, and  
21 everyone argues whether or not things are accurate, but  
22 that's why we get elected, to give our opinion and to  
23 give a level of transparency and to be the voice of  
24 people who might not otherwise be heard. And I believe  
25 it's important to share concerns from constituents.

1 Q. Would you at all be concerned about lending  
2 your credibility to those allegations without knowing  
3 whether they were true or not?

4 MR. BETRAS: Objection. Go ahead and  
5 answer, Niki.

6 A. The letter itself was dishonest. He took  
7 a snippet of something without the entire -- there was a  
8 whole story about that letter and phone records pulled  
9 to discredit what that sheriff actually had in the  
10 letter, so I -- I'm sorry. What was the question?

11 MR. DOWNEY: Ms. Algarin, would you mind  
12 reading it back for me?

13 (The record was read as requested.)

14 A. They're allegations, so I --

15 MR. BETRAS: Once again, renewing my  
16 objection. Go ahead and answer, Niki.

17 A. I don't have a problem sharing people's  
18 concerns or allegations against the county publicly.

19 Q. Do you have any concern or how do you vet  
20 what you ultimately will read into the record at a  
21 commissioner's meeting?

22 MR. BETRAS: Objection. Go ahead and  
23 answer, Niki.

24 A. My statement was based on information that  
25 was found to be accurate, and his statement, the

1 sheriff's statement, was found to be dishonest where  
2 they took snippets of comments and then tried to  
3 misrepresent it, and that was discovered and put on a  
4 news story. So we all say -- we have the ability to say  
5 what we want to say, and I say what I want to say.

6 Q. And my question would be, do you regret  
7 interrupting the clerk from reading the letter forwarded  
8 by Sheriff Monroe on July 7th, 2022?

9 MR. BETRAS: Objection. Go ahead and  
10 answer, Niki.

11 A. No.

12 Q. Why not?

13 A. Because it wasn't appropriate to be read  
14 at that point in time in the meeting. It didn't follow  
15 the order of that particular day, and it was just --  
16 it's not what should be done. If the sheriff -- in  
17 addition to going against the order, it should have been  
18 read by the sheriff's representative at the end of the  
19 meeting. That's what customarily happens. Anything  
20 else that's for the good of the order after the agenda  
21 is read by a representative of the particular elected  
22 official's office. County engineer has something that  
23 he thinks is important, then he sends a representative  
24 and they read that. That's what normally happens.  
25 That's how our businesses are run, or, I'm sorry, that's

1 how meetings are run.

2 Q. Is that a rule or a custom, according to  
3 your interpretation, Commissioner?

4 MR. BETRAS: I didn't understand your  
5 question. What did you say?

6 MR. DOWNEY: I'm following up on what  
7 Commissioner Frenchko just alluded to, and I want to  
8 know whether or not her position on the reading of that  
9 letter is a rule or a custom with the board.

10 A. What's a rule?

11 Q. And so is there a rule that for a document  
12 to be read into the record from an agency affiliated with  
13 Trumbull County that a representative of that agency  
14 should read it into the record at the end of a  
15 commissioner's meeting?

16 A. No. It's a Robert's Rule and it has to do  
17 with the order, so that's why I said that.

18 Q. Okay. And just so that I understand, it has  
19 to do with the order, but not with respect to who would  
20 actually read the document; is that correct?

21 A. I don't -- I'm sorry. I'm having a hard  
22 time understanding what you're asking.

23 Q. Okay. I'll try to break it down. I think  
24 you testified that if a letter from the sheriff's office  
25 was going to be read into the record, it should be read

1 into the record by a person from that office; is that  
2 correct?

3 A. I believe that.

4 Q. Okay. And I think you testified that that  
5 would be the case with respect to if any agency affiliated  
6 with Trumbull County wanted to read something into the  
7 record at a commissioner's meeting, a representative of  
8 that agency should be the one to do it?

9 A. That's correct. They do that at the end  
10 of the meeting. They don't ever interrupt the middle of  
11 the meeting at any point to read letters into the record  
12 or anything like that.

13 Q. And what I would like to understand,  
14 Commissioner Frenchko, is whether or not this -- where you  
15 read the documents into the record by the agency, whether  
16 or not that is a rule in place with the Trumbull County  
17 Commissioners, because obviously at this day no one from  
18 the sheriff's office read it into the record.

19 A. It violated the Rules of Order to have it  
20 read in the middle of our meeting, period.

21 Q. So I'm asking a different question, and it's  
22 probably a more general one. Is there a rule in place  
23 with respect to a member of an agency reading a letter  
24 into the record --

25 A. No.

1 Q. -- from an agency?

2 A. No, not to my knowledge.

3 Q. Okay. Why did you get out of your seat?

4 A. Wait. I'm sorry.

5 Q. Go ahead.

6 A. We have segregation of duties. That's  
7 something that's a big sticking point with me. So if  
8 you have an employee and you're -- say you're a sheriff  
9 employee and I'm a -- and then there's a commissioner  
10 employee and then there's a highway engineer employee,  
11 you can't have another employee perform work for another  
12 employee or that's a segregation of duties thing. So if  
13 a person -- I really believe that it would violate a  
14 rule -- more of an audit rule, state audit finding, to  
15 have another individual perform something that they  
16 would -- that they have to have their employee do.

17 Like our secretary or our clerk should not be doing  
18 something that a representative for another body does or  
19 it's a segregation of duties finding according -- it  
20 could be if it was reported to the state auditor.  
21 That's been a finding that we've had before, so I'm very  
22 particular about making sure that, you know, the  
23 auditor's doing the auditor's work; the commissioner's  
24 office is doing our work, and so on and so forth. So  
25 they should not have had anyone else read something. If

1 they wanted that presented, they should have actually  
2 had their employee read it.

3 Q. And are you basing your answer on your  
4 belief that the sheriff asked for this letter to be read  
5 in the meeting?

6 A. Yes.

7 Q. And if a board member asked Ms. Vivoda-Klotz  
8 to read the letter into the record, would that be  
9 acceptable under your theory?

10 A. I don't believe so, because it's still --  
11 it's still having someone -- the only way I believe it  
12 would be acceptable is if it was placed on the agenda as  
13 correspondence or something to that effect, but I don't  
14 believe that it is appropriate to have our clerk do  
15 something for another elected official or read  
16 correspondence that's not on the agenda, because it's  
17 not -- we were in the middle of our meeting. We still  
18 had items left.

19 Q. How long did it take Vivoda-Klotz to read  
20 Sheriff Monroe's letter?

21 A. I don't remember.

22 Q. Do you recall whether it was under two  
23 minutes?

24 A. I don't -- I don't know.

25 MR. BETRAS: Her answer was she doesn't



1 remember.

2 MR. DOWNEY: I'm asking her a follow-up,  
3 David. It's okay. If she doesn't know --

4 MR. BETRAS: I mean, don't remember, now  
5 you're going to ask her to guess. She said she doesn't  
6 remember.

7 MR. DOWNEY: David, you know it's  
8 inappropriate to interrupt a deposition with statements  
9 like that. Objection --

10 MR. BETRAS: It's not inappropriate for  
11 me --

12 MR. DOWNEY: Yes, it is.

13 MR. BETRAS: -- to -- no, it's not.

14 MR. DOWNEY: It is.

15 MR. BETRAS: You asked the witness --

16 MR. DOWNEY: I asked a follow-up question.

17 MR. BETRAS: She said I don't remember,  
18 and now you're asking her to speculate. Her answer was  
19 I don't remember.

20 MR. DOWNEY: So you can lodge your  
21 objection, but you don't get to do a soliloquy, because  
22 that's the way the federal rules work. Object to form  
23 is appropriate, and I think I'm working quite well to  
24 gather information from your client, and I would  
25 appreciate it if you wouldn't interrupt in the manner

1 that you're choosing.

2 MR. BETRAS: All right. Note an  
3 objection. Go ahead, Niki.

4 A. What was question again?

5 MR. DOWNEY: Go ahead and read it back.

6 (The record was read as requested.)

7 A. Not -- no.

8 Q. Have you seen a video of the events that  
9 occurred that day on July 7th, 2022?

10 A. Yes.

11 Q. And, Commissioner Frenchko, why did you  
12 stand up and go out in front of Ms. Vivoda-Klotz that day?

13 A. I record the meetings, and I turned my  
14 camera to face the clerk, and Commissioner Fuda violated  
15 and interfered with my ability to record by holding  
16 something in the way, and so that actually violates open  
17 meetings law, and so I went to the front in order to  
18 video.

19 Q. Now, how close did you get to  
20 Ms. Vivoda-Klotz?

21 A. When?

22 Q. When you were recording her.

23 A. I was sitting in the -- where the public  
24 sits.

25 Q. And did you stand up at all?

1 A. Just to walk to the front and then to walk  
2 back to my seat.

3 Q. Do you believe that your behavior was  
4 appropriate that day?

5 A. Yes.

6 MR. BETRAS: Objection. Go ahead and  
7 answer.

8 A. Yes.

9 Q. And if you would, did you request the  
10 deputies be present for commissioner's meetings in advance  
11 of July 7th, 2022?

12 A. I don't -- I don't remember asking --  
13 there was a point in time where they stopped them from  
14 coming because of the conduct of a deputy that was  
15 ultimately fired or left or something or disciplined,  
16 and then there was a gap, maybe a year or close to a  
17 year where no one was coming. I don't recall asking --  
18 probably at the time I thought it was odd that they --  
19 no. I can't speculate. I don't remember. I just  
20 remember that there was a period of time where we had  
21 someone there and then they stopped people from coming,  
22 the deputies, for nine months, ten months, almost a  
23 year, something like that, and then all of a sudden when  
24 they were going to arrest me, they turned up again.

25 Q. So would it be fair to say that you don't

1 specifically recall if you asked to have the deputies  
2 brought back to the meetings after there was a period  
3 where they weren't present?

4 A. No, I don't remember exactly or -- I don't  
5 remember.

6 Q. Did you utter any words while the clerk,  
7 Vivoda-Klotz, was attempting to read Sheriff Monroe's  
8 letter into the record on July 7th, 2022?

9 A. Yes, and it wasn't appropriate to be doing  
10 any reading at that point at the meeting.

11 Q. And how often did you interject during the  
12 course that Ms. Vivoda-Klotz was reading that letter?

13 A. I don't know, but she has a statutorily  
14 defined duty, and her job is defined by statute, and  
15 none of it includes reading letters into the record.  
16 It's very specific. It's like calling the roll and  
17 things, but I don't remember how many times. Was that  
18 the question?

19 Q. Well, do you believe that -- what statute  
20 are you referring to?

21 A. Not sure. It's the -- it defines the  
22 duties of the clerk of the board of commissioners.

23 Q. Did you utter words to the effect that the  
24 clerk was not salutatorily able to read that letter?

25 A. I uttered words about it not being on the

1 agenda, going out of order. I believe something to that  
2 effect.

3 Q. Did you yourself receive that letter in  
4 advance of the meeting on July 7th, 2022?

5 A. Yeah. He sent it to us. I believe that  
6 they -- I believe that the -- to the best of my  
7 recollection, and please don't hold me to it, that he  
8 sent that email before, but I didn't give him the  
9 apology he wanted.

10 Q. Why not?

11 A. Because it's a free country and you don't  
12 have to be forced to apologize to anyone, and you  
13 certainly shouldn't be arrested if you don't.

14 Q. Well, my question was with respect to the  
15 apology.

16 A. Yeah.

17 Q. Have you satisfied yourself that the content  
18 of the sheriff's letter was accurate?

19 A. The content of his letter said that I need  
20 to go by his policies, and I don't. I'm not his  
21 employee, and he suggested that I need to go by what --  
22 again, these guys have a problem with not just me,  
23 but -- I don't want to -- I'm not going to say anything  
24 else.

25 Q. Well, and I understand that you've indicated

1 your understanding of the letter is something that you  
2 disagreed with in the letter. Specifically, do you have  
3 any reason to disagree with the content of the letter as  
4 it involved the sheriff's investigation of what occurred  
5 with respect to that specific --

6 A. You know what, do you have a copy of it?  
7 If you want me to answer questions about it, I'd be  
8 happy to answer questions about it if I could read it,  
9 because I don't want to really speculate.

10 Q. Absolutely. Yeah. We'll put it on the  
11 screen, Commissioner.

12 A. Okay.

13 MR. DOWNEY: Off the record for just a  
14 second while we figure this out.

15 (Off the record.)

16 Q. Commissioner Frenchko, have you had an  
17 opportunity to read the document which will be marked as  
18 Defendant's Exhibit A in the deposition?

19 A. Yeah, yes.

20 (Whereupon Defendant's Exhibit A was marked.)

21 Q. Is there anything in this document that you  
22 believe to be inaccurate?

23 A. You mean his representations or the  
24 document itself?

25 Q. Anything in the document that you take issue

1 with.

2 A. Yes. You want to go through it line by  
3 line?

4 Q. If you take issue with the entire document,  
5 that probably makes it easier for us, but if there's  
6 anything specific that stands out to you, I would like to  
7 know what --

8 A. Okay. Let's start in the first paragraph.  
9 We can go paragraph by paragraph, if you like.

10 Q. Go ahead. Let's start with the first  
11 paragraph.

12 A. Okay. The presentation prior to  
13 initiating an investigation. Oh, my God. Yeah.  
14 There's that.

15 Q. So the record is clear, Commissioner  
16 Frenchko, you take issue with the sentence, such a public  
17 presentation prior to initiating an appropriate  
18 investigation through well-established, existing  
19 investigatory protocol is contrary to sound government and  
20 procedural justice safeguards; is that correct?

21 A. I mean, I want to even start before. All  
22 I -- I wholly disagree with all of the content. That  
23 commissioner provided commentary -- yes. Well,  
24 Commissioner Frenchko provided commentary in connection  
25 with reading of -- suggesting a factual basis exists.

1 Yeah. There was a factual basis. In fact -- in fact,  
2 the jail has been cited by the -- I think it's called  
3 the facilities inspection commission or something. I  
4 can't remember what the name of the agency -- the state  
5 where they do the inspection, and they found that, in  
6 fact, there were such problems as this that were  
7 investigated by the state facility were found to be  
8 substantiated, not just in this case, but overall.

9 There are people who are being denied medical  
10 treatment, and that is -- that has been a customary  
11 process. They -- they lose requests that are -- because  
12 they're obviously in jail. They're not writing things.  
13 There are a ton of problems in that jail, and when  
14 you've got the fox guarding the henhouse, that's how  
15 things get swept under the rug. And I'm very thankful  
16 that this -- that this happened because then there were  
17 probably about 30 other cases that came to light that  
18 were reported to the state as a result of one person,  
19 namely me, bringing up someone's concern which opened  
20 the floodgate to many other complaints that were  
21 substantiated, in part or in full, by the state.

22 Q. Okay. So -- and thank you. I think you  
23 provided a lot of information there, and I'll attempt to  
24 address them one by one. As you sit here today, do you  
25 have any reason to believe that this specific inmate



1 investigation referenced in this letter uncovered any  
2 improper activities by the Trumbull County Sheriff's  
3 Office in interacting with that inmate?

4 MR. BETRAS: Objection. Go ahead and  
5 answer.

6 A. I believe, yes, the treatment was delayed.  
7 The complaints were dismissed. They don't have proper  
8 staff in the jail that are even -- medical staff. They  
9 were told that people are nurses who are not nurses.  
10 They don't do proper assessments or evaluations. There  
11 has been so much wrong with that system over there that  
12 they're actually taking some corrective action as a  
13 result of this.

14 Q. And just so that I understand, Commissioner,  
15 are you aware of any specific inmate where there's been  
16 investigation and found that that inmate did not receive  
17 proper medical care in the jail?

18 A. There are -- I don't remember everything  
19 that I have read, but I have read some documents from  
20 the state that indicated that there were -- was improper  
21 treatment because of delayed responses to needs, and  
22 they are taking corrective action.

23 Q. Okay. And my question's going to be with  
24 respect to this specific inmate that was the issue of your  
25 reading the letter from the mom and the sheriff's

1 response. Are you aware of anything with respect to this  
2 specific inmate?

3 A. I don't remember the -- I know that this  
4 was sent as a complaint to the state, and I do -- I  
5 can't remember the outcome of it. I mean, I could --

6 Q. As you sit here today, are you able to tell  
7 me the name of any specific inmate who did not receive  
8 appropriate medical care in the Trumbull County Jail, to  
9 your knowledge?

10 A. I don't have the names. There was at  
11 least 30 of them, though.

12 Q. And do you have that information somewhere?

13 A. I forwarded it to someone, all of the  
14 complaints, and that's what -- that's what prompted the  
15 state to start looking hard at our county. It's also  
16 what prompted them to go out for bid instead of passing  
17 the contract off; however, they did rig it up in a  
18 fashion to where it would still go to the same person,  
19 because that's what Trumbull County does.

20 Q. I'm sorry, Commissioner. Who do you  
21 communicate with at the state regarding your concerns  
22 about the Trumbull County Jail?

23 A. I don't remember the name of the person  
24 who receives all of the complaints, but there's someone  
25 else who has sent all of the complaints in.

1 Q. Have you spoken to anyone with the state  
2 regarding their investigation and their findings?

3 A. No. I just get copies of the outcome.

4 Q. And you referenced a rigged bidding process.  
5 I would like you to explain what that is to me.

6 A. Well, the first -- so many years that I  
7 took office -- before I took office, they had -- the  
8 contract was automatically renewed for Dr. Malvasi just  
9 like it was automatically renewed for Fred Alberini.  
10 There are certain people who just are on auto renewal  
11 for their contracts, and this doctor, in particular, was  
12 one of them; and our procedure, which I had us adopt,  
13 was to go out to bid or do a request for qualifications,  
14 and just recently as a result of all of this the jail  
15 contract doubled because they said that they were  
16 addressing some of the concerns, which meant that they  
17 had inadequate staff.

18 And so when I met with Major Mason, who's the jail  
19 administrator, he acknowledged that the reason why the  
20 cost doubled for the services is because they are  
21 addressing the concerns that I had, so -- and that were  
22 being reported by inmates and by inmates' families.

23 So this last time they actually did a request for  
24 qualifications instead of passing the job off and the  
25 contract to the same person. This last time in the

1 bidding paperwork they said that they would only  
2 consider -- they made it a requirement that -- or it was  
3 a request for qualifications. They made it a  
4 requirement the person only have experience as a -- as a  
5 jail -- administering a jail in order for them to be --  
6 as a requisite for them to bid on it.

7       Knowing that he's the only person around here  
8 that's done that, it would automatically still be given  
9 to him, and so opening up and casting a broad net would  
10 mean that you would not put phrases in that would cause  
11 you to still pass the contract off to the same person,  
12 so I believe -- I know that that's what happened.

13 Q.           And so -- and I guess I just -- when you use  
14 a term like rigged, are you saying that there's some sort  
15 of criminal element to who was retained to conduct medical  
16 services for the jail?

17           MR. BETRAS: Objection.

18 A.           It was -- it was passed off to the same  
19 person year after year with increases. You cannot not  
20 do a request for qualifications. I believe that it was  
21 legally wrong to continue to pass off a contract -- when  
22 you renew a contract, then that means it's renewed  
23 without changing the terms, but we -- what they were  
24 doing was renewing the contract for the same person  
25 without -- and changing the terms, changing the payment

1 and everything without doing a proper request for  
2 qualifications, and that's absolutely wrong. It's  
3 absolutely shady. It's absolutely unlawful, and they  
4 finally addressed it once I brought it up.

5 Q. I'm sorry, Commissioner. I just want to  
6 understand, what is unlawful about renewing the contract  
7 of jail medical without opening up to the greater  
8 community? And I'm just saying that because that's what  
9 you told me was happening. What is unlawful about that?

10 A. They were renewing it -- okay. So you  
11 have to look at the contract, and if it allows for an  
12 escalation -- if they're giving more -- if they're  
13 changing a contract, they're not renewing it. They're  
14 just handing it away, and it was not being extended. It  
15 was being given to someone without a proper procurement  
16 process. Procurement requires a new request for  
17 qualifications. You do not renew a contract where the  
18 terms have changed, and that's the kind of thing that  
19 they do in Trumbull County is continue to hand off  
20 someone a contract without doing a proper procurement  
21 process.

22 Q. Did you take this issue to the Trumbull  
23 County Prosecutor's Office?

24 A. I have -- when that was going on, I took  
25 it to the Trumbull County Prosecutor's Office. They

1 said that it's -- and the Trumbull County Prosecutor's  
2 Office gave recommendations and recommended that certain  
3 things be changed in the contract before they renewed  
4 it, but Frank and Mauro renewed it anyway, yeah.

5 Q. And --

6 A. At a public meeting, yeah. There was  
7 discussion over it. I brought it up. Those are the  
8 reasons they don't like me, sir.

9 Q. So with whom did you consult at the Trumbull  
10 County Prosecutor's Office regarding the bidding process  
11 for jail medical?

12 A. Bill Danso.

13 Q. And did you receive any written  
14 communication from Mr. Danso regarding appropriately  
15 carrying out the bidding process?

16 A. So there were concerns that I brought to  
17 his attention, but the appropriate bidding process is  
18 something that I believe that I addressed with a  
19 resolution; but, again, the county doesn't follow even  
20 the resolutions that we make as it relates to ranking --  
21 ranking prospective bidders, as it relates to anything.  
22 They do what they want to do, and they want it to fly  
23 under the radar, much of what they do, and I'm the  
24 obstacle. I am the obstacle for them doing things  
25 improperly and --

1 Q. And I understand your position,  
2 Commissioner. I appreciate you sharing your thoughts. My  
3 question is more specific.

4 A. Those are facts. I'm sorry.

5 Q. Well, I don't know that I'm going to agree  
6 with that, but I appreciate you sharing your thoughts with  
7 me.

8 A. Would you like specific examples so that  
9 you could --

10 Q. No, Commissioner. If you let me finish. I  
11 would like to know whether you have anything in writing  
12 from the Trumbull County Prosecutor's Office regarding the  
13 bidding process that you just referenced with respect to  
14 jail medical?

15 A. Well, they sent something to the board of  
16 commissioners -- the prosecutor's office sent something  
17 related to the contract and that they wanted some  
18 certain things to be changed in the contract. The  
19 procurement process they -- I don't know if that was --  
20 I don't recall if that was addressed in the letter, but  
21 we should have procured -- I mean, just this week on the  
22 agenda they did something in procurement wrong. They  
23 have to rescind the two things from last week that I  
24 told them not to do the week before.

25 Just earlier this year there were probably 15

1 things on one agenda that were done and procured wrong,  
2 and then after the fact I had them correct it because  
3 they had to be told, because they don't listen to me.  
4 They want things to fly under the radar. There is  
5 another bid. They had preaward contact where someone  
6 was trying to pass off a --

7 Q. Commissioner Frenchko.

8 A. -- for \$120,000 more than --

9 Q. Commissioner.

10 A. And it was a preaward contract. I had  
11 that rejected and rebid.

12 Q. I don't want to interrupt you, Commissioner,  
13 but I do think we're getting off on a tangent.

14 A. Okay.

15 Q. I appreciate you sharing with me on the  
16 record your concerns, but --

17 A. Yeah, it happens on a regular basis.

18 Q. I would like to move on to just this letter  
19 that we've marked as Defendant's Exhibit A, and just go  
20 through it again and share other areas where you think or  
21 you believe that it's inaccurate.

22 A. Saying that providing commentary is not  
23 appropriate, that the public presentation prior to  
24 initiating an investigation is appropriate. Can you use  
25 yellow, please? The blue is distracting. It's hard for



1 me to see.

2 MS. SUDHOFF: I'll do my best.

3 A. I can't see with blue. When you do that  
4 it like --

5 MR. DOWNEY: There you go.

6 A. That's better. Such a public  
7 presentation. No, I believe it's extremely appropriate.  
8 That's what I got elected to do is to bring things up  
9 and talk about them in public and to address things that  
10 have been ignored for decades. That's what I got  
11 elected to do, and that's what I was doing. I am not an  
12 employee of the sheriff. I am not required to follow --  
13 to file a complaint within their entity. I am a  
14 separate elected official with my own voice, my own  
15 platform and my own seat on the commissioner --

16 Q. Commissioner Frenchko, and I appreciate  
17 that, and why don't we do it this way, if it makes sense.  
18 Is there anything in this letter that you agree with?

19 MR. BETRAS: Just read it to yourself,  
20 Niki.

21 THE WITNESS: Okay.

22 A. I did in fact read it publicly without  
23 having an internal investigation. I mean, you want me  
24 to go through, seriously, and itemize every single  
25 sentence and phrase?

1 Q. Actually, what I wanted to do initially,  
2 Commissioner, was just get your take on whether there's  
3 anything in the letter that you agreed with or disagreed  
4 with. We put it on the screen so you can read it and  
5 refamiliarize yourself with it, and I tried a couple  
6 different ways to sort of understand your views of the  
7 letter.

8 I guess if there's anything that you read in the  
9 letter that you agree with, great. You just shared one  
10 of them with me. However you want to do it, agree with  
11 it, disagree with it, doesn't matter. I would just like  
12 to know if there's anything in the letter that you read  
13 it and say, yeah, that's right.

14 A. Well, I can't even scroll this, and I'd  
15 like to be able to do that. And, I mean, you're talking  
16 about facts versus conjecture and --

17 Q. I actually -- not to disagree with you, but  
18 I will state that I am simply asking for your view on the  
19 letter. That's all I'm asking.

20 A. Okay.

21 Q. I know your view that you don't believe it  
22 should have been read in the time that it was.

23 A. Yes. My view on the letter is that it was  
24 defensive. It was just a defensive letter that was  
25 dishonest. There's one part that's so dishonest, I

1 would love to get to this part, if you scroll up. It  
2 really shows dishonesty. Where does it -- I remember  
3 it. This is the one part that I remember. He quoted an  
4 inmate as saying that the sheriff was doing a good job  
5 and cut off the quote where the rest of it is for  
6 himself, but not for us. So that just suggests a level  
7 of dishonesty at the sheriff's department that they  
8 would take a little snippet of a quote to try to color  
9 themselves in a favorable light, and that's just kind  
10 of -- the sheriff is doing a great job. That is just a  
11 snippet. The rest of it said for himself, but not for  
12 us, I believe, something to that effect, to the best of  
13 my recollection. So this whole letter is that  
14 defensive, and -- because he was embarrassed for things  
15 being brought to light that have typically been ignored  
16 by political allies of his.

17 The customary thing to do, according to how they  
18 operate there, is to go make a phone call, sweep it  
19 under the rug and protect each other's reputations, and  
20 since I don't fit into that and I do what I was elected  
21 to do, then they have no ability to control me except to  
22 try to arrest me and silence me in other ways, and you  
23 can see their level of dishonesty. That's the most  
24 glaring point right there where --

25 Q. Do you believe you have a responsibility to

1 share accurate information with the public regarding your  
2 formal duties as commissioner?

3 A. Accurate information --

4 MR. BETRAS: Objection. Objection. Go  
5 ahead and answer, Niki.

6 A. Which duties?

7 Q. Any duties. Do you believe in your duties  
8 as commissioner, whatever they may be, that you have an  
9 obligation to share accurate information with the  
10 electorate in Trumbull County, Ohio?

11 A. Absolutely, in everything that was -- that  
12 I read was accurately presented to me, and I repeated  
13 what was read. I have the right and the duty to share  
14 what is going on and what people's concerns are, just as  
15 anyone else has the right to come and read something in  
16 the public comments or make statements in public  
17 comments. It is my duty to share concerns that are  
18 going on in the county.

19 Q. So is it fair to say that he did not wish to  
20 share anything with the electorate during the course of  
21 your duties as a board commissioner member that are  
22 inaccurate?

23 MR. BETRAS: Objection. Go ahead and  
24 answer, Niki.

25 A. I'm sorry. I find your question

1 confusing.

2 Q. Okay. I'll try again. Is it fair to say  
3 that you don't want to share information with the public  
4 through your commissioner responsibilities that's  
5 inaccurate?

6 A. I don't think our board should be sharing  
7 anything that's inaccurate, which is one of the reasons  
8 I wanted to try to stop this letter. I already read it,  
9 and I --

10 Q. I appreciate your response, Commissioner,  
11 and I don't mean to cut you off, but I am going to say  
12 specific to you. I want to make sure it's with respect to  
13 you. You yourself as a board member, as an elected  
14 official in Trumbull County, Ohio, is it fair to say that  
15 you yourself do not wish to share anything with the  
16 electorate that is inaccurate in carrying out your duties?

17 A. I don't necessarily -- I think that that's  
18 very black and white, and sometimes when people have  
19 concerns, they need to be brought up. I mean, just for  
20 example, there was a concern about a waterline, and one  
21 of the people who signed the petitions wasn't the owner  
22 of the property, and there was some debates surrounding  
23 whether or not a land -- I know that a land contract  
24 buyer shouldn't have signed it, but -- but the  
25 department head thought that it was okay, you know.

1 Should I -- you're -- what you're saying would suggest  
2 that I should never bring anything up that comes to my  
3 attention unless there's been a full investigation of  
4 the matter, and that's why we bring things up is to  
5 highlight concerns and debates and things that are going  
6 on in the county.

7 So I think that I'm unable to answer such a  
8 distinctly black and white question, because a lot of  
9 things are concerns or complaints -- and look at the  
10 board. Look at this letter. There's so many -- so many  
11 things that are inaccurate. The public needs to know  
12 all of it. Whether -- whatever the concerns are.

13 Q. So accepting your premise that -- and I  
14 think, and I don't want to put words in your mouth,  
15 Commissioner Frenchko, but you're saying, in the course of  
16 your duties, inaccurate information may be disseminated in  
17 the public by a board member who's doing their job; is  
18 that correct?

19 A. In the course of doing your duties,  
20 sometimes inaccurate information that has been passed  
21 along to the commissioners might be shared. That's an  
22 accurate statement.

23 Q. And would you agree with me that part of  
24 your role is attempting to be accurate in carrying out  
25 your duties and interacting with the members of the public

1 and providing information to them?

2 A. That's an accurate statement.

3 Q. And have you ever found that you shared  
4 information with the public during the course of your  
5 duties as a Trumbull County Commissioner that you have  
6 since learned to be inaccurate?

7 A. I don't recall everything that I discuss.

8 Q. Have you ever felt the need to correct the  
9 record regarding something that you said in the course of  
10 carrying out your duties as a Trumbull County Commissioner  
11 where you had said something that you learned later was  
12 inaccurate?

13 A. There was one time I mentioned -- there  
14 was -- yes, yes. The answer is yes.

15 Q. And can you tell me about that time you were  
16 just about to?

17 A. I know that our -- we have a lot of  
18 friends and family hires in Trumbull County, and there  
19 was an employee who was getting a promotion who was  
20 saying to other people in the public that he was Mauro's  
21 cousin, and Mauro was adamant or something that it  
22 wasn't his cousin and came and talked to me, and I  
23 apologized. I did apologize for being -- in that case  
24 it wasn't a family member. It was just someone who  
25 called him cousin.

1 Q. Thank you. Any others that come to mind?

2 A. I don't -- I don't know. That just came  
3 to my mind because he was kind of like, oh, you're  
4 apologizing. I said, yeah, I mean -- so --

5 Q. And we're going to go back to July 7th. I  
6 know we've been off on a tangent for a bit, but I want to  
7 go back to the July 7th, Commissioner, and ask  
8 specifically if you observed either of the other  
9 commissioners on that day seek to have you arrested?

10 A. Pardon me? That I observed any of them on  
11 that day seek to have me arrested?

12 Q. Correct. The day that you were arrested on  
13 July 7th, 2022, did either of the commissioners that you  
14 served with seek to have you arrested that day, to your  
15 knowledge?

16 A. Yes.

17 Q. And tell me how you've come to that  
18 conclusion.

19 A. Well, they were reviewing the code that  
20 related to arresting people at public meetings. That  
21 statute, they were reviewing that, and who --

22 Q. Who's they, Commissioner, if you would?

23 A. The other commissioners and the clerk.

24 Q. And when you say they were reviewing it,  
25 please tell me exactly what you observed and the timing



1 and all that.

2 A. Are you talking about on that day  
3 particularly?

4 Q. Yeah. I'm talking about July 7th, 2022, the  
5 day that you were arrested.

6 A. Yeah. I saw -- I heard Frank and Mauro --  
7 Mauro on multiple occasions was talking about being  
8 disruptive, being disruptive, you can be removed for  
9 being disruptive or something like that, and then Frank  
10 was saying, are you going to apologize? Are you going  
11 to apologize? Or something to that effect, and saying  
12 that -- and then he called for my arrest. I mean --

13 Q. Specifically, who called for your arrest?

14 A. I believe it was Frank.

15 Q. And what specifically do you believe he said  
16 that day?

17 A. He called out the deputy's name, and the  
18 deputy came to arrest me.

19 Q. And this is -- I'd really like you to search  
20 your memory on this, if you would, Commissioner. What  
21 specific words do you believe Commissioner Fuda uttered to  
22 lead to your arrest that day?

23 A. Wix.

24 Q. I'm sorry. Is that the only word?

25 A. Well, that and the totality of the

1 circumstances, but, yeah, the actual call for my arrest  
2 was -- I think that those were signals that it was time  
3 to arrest me based on the text messaging and everything  
4 that was planned among the other -- among the sheriffs  
5 and the deleted evidence that's been destroyed, I can  
6 say that there was communication among them. I saw -- I  
7 saw the deputy -- it was odd to have a deputy in the  
8 room, and then I saw Mauro texting and him texting in  
9 the back of the room, and I thought it was a little odd,  
10 but, you know, the county is a little odd; and then --  
11 Q. Just so I understand, Commissioner, it's  
12 your testimony today that Commissioner Fuda uttered the  
13 word Wix?

14 A. Uh-huh.

15 Q. And other than uttering that word, was there  
16 anything else that Commissioner Fuda uttered that day that  
17 you believe led to your arrest?

18 A. They were -- yeah. I believe -- I already  
19 said this. I believe that he was giving me an  
20 opportunity to apologize. Are you -- he was asking me  
21 several times if I was going to apologize. Are you  
22 going to apologize? We heard Mauro Cantalamessa  
23 continuously using the words disrupting, disrupting,  
24 disrupting. I believe it was two times minimally, maybe  
25 three. They don't use that language. That's the first

1 time they've ever used that language in a meeting.

2 Usually they just -- you've seen the meetings, or  
3 maybe you haven't, but that's the first time they've  
4 ever started going into disruptive language, and they  
5 were all -- they all had that statute that they had  
6 reviewed. It was on the clerk's desk.

7 Q. Just so I understand, Commissioner, are you  
8 saying that that statute was on the clerk's desk that day?

9 A. No. About a month before that, I think it  
10 was. Not -- to the best of my recollection, about a  
11 month before that I saw it on her desk. Maybe a few  
12 weeks.

13 Q. Did you observe that statute on anyone  
14 else's desk that particular day?

15 A. No, not on that day.

16 Q. Did you ever hear either Commissioner  
17 Cantalamessa or Commissioner Fuda utter the words arrest  
18 Commissioner Frenchko or words to that effect?

19 A. Words to that effect. You can be -- and  
20 don't hold me to it. This is a paraphrase, to the best  
21 of my recollection. I believe Mauro Cantalamessa said  
22 you can be removed for disrupting a meeting, and then I  
23 was immediately arrested.

24 Q. How much time elapsed between -- this is  
25 according to your recollection -- between Commissioner

1 Cantalamessa making that statement and you being arrested?

2 A. About a few minutes, maybe. I don't know.

3 I can't really remember, because it was like not a -- I  
4 mean, I remember, but it's -- it was -- I don't know how  
5 much time elapsed. I remember him saying it before they  
6 led me out of the room, so Mauro said you can be -- what  
7 I just said he said. You know you could be -- whatever  
8 I just said is what I believe he said. You know you can  
9 be removed for disrupting a meeting. Right after Frank  
10 said Wix and called the deputy up, and then I was led  
11 out into the hallway and arrested in the hallway.

12 Q. The officers that interacted with you at the  
13 time you were arrested, did they treat you in a respectful  
14 manner?

15 A. I don't believe so, no. The one in  
16 particular was absolutely not respectful.

17 Q. In what respect?

18 A. He pulled the chair out from behind me.

19 Q. Did you fall down?

20 A. No.

21 Q. Did you stand up?

22 A. Yeah.

23 Q. When they asked you to -- and go ahead and  
24 tell me exactly what happened, Commissioner, if you would,  
25 at the time of your arrest.

1 A. I was responding to the letter. They were  
2 demanding that -- the other commissioner, Frank Fuda,  
3 was demanding that I apologize. I seem to remember the  
4 officer starting to move, like they knew it was coming.  
5 At some point I think I started to go on to another  
6 topic because they wanted me -- there was some comments  
7 about you can't talk badly about the top law enforcement  
8 officer in Trumbull County or something like that. I  
9 believe Mauro said something about you can't criticize  
10 the top law enforcement officer in the county, and  
11 that's a paraphrase.

12 Q. And you believe that occurred at the time  
13 you were being arrested?

14 A. Yeah. While he was responding to the  
15 letter, and that's whenever people were starting to move  
16 about the room to come up and arrest me.

17 Q. I understand that you live stream the  
18 commissioner's meetings; is that correct?

19 A. Yeah.

20 Q. Were you live streaming that day?

21 A. Yes.

22 Q. And did you cooperate with the police  
23 officers when you were arrested?

24 A. I think I did.

25 Q. And did you follow -- my understanding is,

1 Commissioner, that you were taken over to the Trumbull  
2 County Sheriff's Office; is that right?

3 A. That's right.

4 Q. Would you just tell me what happened after  
5 the time that you were arrested and describe it to me what  
6 occurred. Placed in handcuffs? Did you walk under your  
7 own power? Did you walk across the street? Were you  
8 transported? Just tell me what happened, if you would.

9 A. He pulled the chair from behind me. I  
10 thought they were joking. It was shocking, but I  
11 remember him jarring the chair. They told me to stand  
12 up. They didn't tell me why. They didn't tell me I was  
13 under arrest. They just took me out without me knowing  
14 why I was even being taken out of my own meeting. They  
15 took me into the hallway, and he said something about --  
16 I don't know -- I can't remember exactly what he said.  
17 I remember him saying, are we going to do this? Are we  
18 going to do this? To the other deputy, like, are we  
19 really going to do this?

20 Q. If you could, Commissioner, do you know  
21 which deputy said what?

22 A. I think it was Wix. I think it was Wix,  
23 because he was, like, the driving force. Ross was not  
24 as disrespectful and appeared to have some remorse, but  
25 Wix was very -- like, he was on a mission. Like, he

1 was -- this is what I'm doing for the day. I could tell  
2 from back in the hearing room that there was something  
3 going on when he was called. I mean, I think there  
4 were -- I think he's a road deputy. It was just odd.  
5 I've never seen these guys in our building before. None  
6 of them worked on public meetings, and they both show up  
7 and decided that they were going to arrest me under a  
8 code that was sitting on my clerk's desk a couple weeks  
9 prior and were called up by name by a commissioner that  
10 had never -- I'd never seen him in the building. I  
11 didn't know they knew each other.

12 Q. So it would be fair to say --

13 A. The language about being disruptive, it  
14 was like organized. It was --

15 Q. Commissioner Frenchko, if I could -- and I  
16 understand your position, which is contained in the  
17 complaint, and I appreciate your testimony today regarding  
18 your thoughts about what occurred. Specifically, I would  
19 like to know how you got from the courthouse over to the  
20 sheriff's office, what occurred when you got there. Just  
21 specifically. And if you remember what people said to you  
22 during that time frame, I would like to hear that, but if  
23 you would, just tell me in order -- you got up from your  
24 chair. I think you went to another room. I understand  
25 you may have been handcuffed. If you would, just explain

1     that to me.

2     A.                   Yeah.    I --

3                   MR. BETRAS:   What part are you asking her  
4     to explain now?  I'm clearly confused myself.  What  
5     paragraph are we on?

6                   MR. DOWNEY:   What happened when she was  
7     arrested and where she went, David.  If Commissioner  
8     Frenchko would like to take a break, get her thoughts  
9     together, I'm fine with that.

10                  MR. BETRAS:   We're off the letter and now  
11     you're asking her -- we can take the letter down then,  
12     right?

13                  MR. DOWNEY:   We did.  At least we tried  
14     to.

15                  MS. SUDHOFF:   We have not.

16                  MR. DOWNEY:   Let's go off the record for a  
17     second.

18                                 (Off the record.)

19                  MR. DOWNEY:   Just so the record is clear,  
20     Counsel has discussed stopping the deposition today in  
21     light of an issue that Commissioner Frenchko had.  We've  
22     agreed to reconvene the deposition in the future as we  
23     are going to do so anyway with respect to damages and  
24     potentially going over medical records, and so I am  
25     agreeing to stop the deposition at this moment.



1           It has also been agreed that Mr. Yosowitz will have  
2           the opportunity to authenticate the video of the  
3           July 7th, 2022, commissioner's meeting, and I believe  
4           that all counsel are in agreement with proceeding in  
5           this manner. Have I accurately reflected our agreement,  
6           Mr. Betras?

7                     MR. BETRAS: You have.

8                     MR. DOWNEY: Mr. Yosowitz?

9                     MR. YOSOWITZ: Yes.

10                    MR. DOWNEY: So I will stop my questioning  
11           today with the understanding that I will pick back up  
12           when we schedule another date. Mr. Yosowitz will move  
13           forward with authenticating the video exhibit.

14                    MR. YOSOWITZ: Thank you.

15           CROSS EXAMINATION

16           BY MR. YOSOWITZ:

17           Q.           Ms. Frenchko, can you hear me?

18           A.           Yes.

19           Q.           Okay. My name's Andrew Yosowitz. I  
20           represent Deputies Wix and Ross. Just a few questions for  
21           you about the video, and then we'll adjourn the deposition  
22           for today. You used your cell phone to record the  
23           Trumbull County Commissioner's meeting on July 7th, 2022,  
24           correct?

25           A.           I used Facebook Live, my video -- I didn't

1 use my -- it was my -- it was on my cell phone, but it  
2 was a video. It wasn't -- I'm sorry. I'm probably  
3 confusing that.

4 MR. BETRAS: Andrew, I don't mean to  
5 interject. I think what she's trying to say -- I'm not  
6 trying to testify for her -- is you're asking her if she  
7 recorded it. It was a Facebook Live, so I don't know if  
8 that records on your phone or not. I think that's what  
9 she's referring to. She was Facebook Live-ing, and I  
10 don't know -- and I don't even know this technology. I  
11 don't know if that records on the phone or not. I  
12 couldn't tell you. Is that what you were getting at?

13 A. Yes. I'm sorry. I wasn't very clear.  
14 Should I try to explain?

15 Q. I'll rephrase the question.

16 A. Okay.

17 Q. You used your cell phone to create a video  
18 recording on Facebook Live of the Trumbull County  
19 Commissioner's meeting dated July 7th, 2022, correct?

20 A. Yes.

21 Q. And you posted the Facebook Live recording  
22 of the July 7th, 2022, Trumbull County Commissioner's  
23 meeting to your Niki Frenchko Facebook page, correct?

24 A. Yes.

25 Q. And that Facebook page is found at

1 www.facebook.com/niki.frenchko, correct?

2 A. I think so.

3 Q. And the recording of the -- or the Facebook  
4 Live recording of the July 7, 2022, Trumbull County  
5 Commissioner's meeting is still on your Niki Frenchko  
6 Facebook page, correct?

7 A. Yes.

8 Q. And the Facebook Live recording of the  
9 July 7th, 2022, commissioner's meeting starts with the  
10 pledge of allegiance at the beginning of the meeting and  
11 ends with your arrest, correct?

12 A. To the best of my recollection, that's how  
13 it started. I remember it ending with my arrest, but I  
14 don't remember the beginning, but you're probably right.

15 Q. And would you agree that your Facebook Live  
16 recording of the July 7th, 2022, Trumbull County  
17 Commissioner's meeting is a true and accurate depiction of  
18 the meeting and your arrest?

19 A. I would agree that everything on the video  
20 is accurate and has not been edited or altered. I don't  
21 even know if it's possible. I don't think it's possible  
22 to do that. So everything that is there is correct,  
23 from that perspective. I mean, there's other recording  
24 things in the room. So from the perspective of the app  
25 that was used, it's correct, to the best of my

1 knowledge.

2 Q. Totally understand that.

3 MR. YOSOWITZ: That's all I have for now.

4 MR. BETRAS: Okay. Let's adjourn this and  
5 then we'll work out that protective order, and then  
6 we'll reschedule Niki's deposition. I'm assuming  
7 there's going to be a lot of questions about her medical  
8 records and stuff like that, and I just don't feel  
9 comfortable. She wants to power through it. Just her  
10 answering that question, I can see she's --

11 MR. DOWNEY: We're fine to reschedule. We  
12 have another event we need to get into as well, which  
13 we'll just do at the next one. To make matters maybe a  
14 little easier, Andrew, if you want, the parties can  
15 stipulate to the authenticity of the video. We all need  
16 it, so -- and if you want to just send out the video, I  
17 think that's something we can tie off with a stipulation  
18 as well, to the extent that we didn't play it for her  
19 today, if that makes sense, David.

20 MR. BETRAS: Yeah. I think Andrew wanted  
21 to make sure she didn't doctor it in any way. I think  
22 that's where he was going with it. I don't know. I'm  
23 not in Andrew's head. I can barely be in my own head.  
24 I'm assuming that that's what he did, that she didn't  
25 doctor it or do anything to it. She recorded it.

1 MR. DOWNEY: I don't want to get in your  
2 head, David. Okay.

3 MR. YOSOWITZ: We can handle this amongst  
4 counsel. It should be an easy stipulation. I'm happy  
5 to play the video for her right now. It's about 50  
6 minutes long.

7 MR. DOWNEY: I think we stipulated to  
8 that.

9 THE WITNESS: It's okay. We can do that.

10 MR. BETRAS: Niki --

11 THE WITNESS: Does it take away from the  
12 seven hours that they're permitted to have me?

13 MR. DOWNEY: We'll do it through a  
14 stipulation, David. We'll send you the video. Thank  
15 you, Commissioner Frenchko. Jodie, I think we're done  
16 for today, and I think we're going to be on the phone  
17 with court in two hours, so I'll talk to you then,  
18 David.

19 MR. BETRAS: We want to read it.

20 SIGNATURE NOT WAIVED

21 (Deposition adjourned at 1:42 p.m.)

22


23

24

25

## REPORTER'S CERTIFICATE

I certify that this transcript, consisting of 73 pages, is a complete, true and correct transcript of the proceedings had and the testimony taken in this case as shown by my stenotype notes taken at the time said testimony was taken.

  
\_\_\_\_\_  
Jodie L. Algarin  
Registered Professional Reporter  
Certified Realtime Reporter

## 1 CERTIFICATE OF NOTARY

2  
3 COMPLETED BY DEPONENT:4  
5 I, MICHELE NICOLE FRENCHKO, have read the foregoing pages  
6 of my testimony or have had them read to me and have noted  
7 any changes in form or substance of my testimony with  
8 their respective corrections and the reasons on the  
9 following errata sheet(s).

10 MICHELE NICOLE FRENCHKO Date

11  
12  
13 COMPLETED BY NOTARY PUBLIC14  
15 I, \_\_\_\_\_, a Notary Public in and for the  
16 State of \_\_\_\_\_, hereby acknowledge that the  
17 above named witness personally appeared before me, swore  
18 to the truth of the foregoing statements and signed above  
19 as his/her own true act and deed.

20 Notary Date

21 Commission Expiration  
22  
23  
24  
25





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837 Boardman-Canfield Rd., Suite 203  
Youngstown, Ohio 44512

September 19, 2023

David J. Betras, Esquire  
Betras, Kopp & Markota  
6630 Seville Drive  
Youngstown, Ohio 44406

RE: Niki Frenchko VS Paul Monroe, et al.

Dear Atty. Betras:

Enclosed please find your copy of the deposition of Niki Frenchko taken on September 12, 2023. The original certificate and correction pages are attached. It is my understanding from our discussion that you will arrange to have Ms. Frenchko read and sign your copy of the transcript.

After the transcript has been signed, please mail the originals of Pages 71 and 72 to me at the above address. If I have not received the signed pages within 30 days of your receipt of this letter, pursuant to the Rules of Civil Procedure, signature will be waived.

Thank you for your time and consideration in this matter. If you have any questions, please don't hesitate to call me at the above number.  
Sincerely,

Jodie L. Algarin

Enclosure

cc: Atty. Daniel Downey  
Atty. Helen Sudhoff  
Atty. Andrew Yosowitz

	<b>28 [1]</b> 4/9	<b>above-entitled [1]</b> 1/15	<b>agenda's [1]</b> 11/14	<b>answered [2]</b> 5/22 23/3
<b>MR. BETRAS: [49]</b> 6/21 7/12 7/17 8/19 9/12 9/22 10/3 10/18 11/1 11/7 11/19 12/19 12/24 13/16 13/25 14/7 15/7 16/16 17/13 19/25 25/3 26/5 26/17 27/4 27/15 27/22 28/9 29/4 32/25 33/4 33/10 33/13 33/15 33/17 34/2 35/6 41/4 44/17 49/19 52/4 52/23 64/3 64/10 65/7 66/4 68/4 68/20 69/10 69/19	<b>3</b> <b>30 [3]</b> 40/17 42/11 73/14 <b>330 [1]</b> 2/7 <b>34 [1]</b> 4/9 <b>35 [1]</b> 4/9 <b>38 [1]</b> 4/13	<b>absolutely [10]</b> 11/3 14/6 17/6 21/18 38/10 45/2 45/3 45/3 52/11 60/16 <b>accept [1]</b> 5/21 <b>acceptable [2]</b> 32/9 32/12 <b>accepting [1]</b> 54/13 <b>accomplish [1]</b> 6/5 <b>according [5]</b> 9/18 29/2 31/19 51/17 59/25 <b>accuracy [2]</b> 24/25 26/15 <b>accurate [13]</b> 22/5 25/24 26/21 27/25 37/18 52/1 52/3 52/9 54/22 54/24 55/2 67/17 67/20 <b>accurately [3]</b> 5/23 52/12 65/5 <b>acknowledge [1]</b> 71/15 <b>acknowledged [1]</b> 43/19 <b>across [1]</b> 62/7 <b>act [1]</b> 71/17 <b>action [3]</b> 1/19 41/12 41/22 <b>actions [1]</b> 20/20 <b>activities [2]</b> 24/5 41/2 <b>actual [2]</b> 23/8 58/1 <b>actually [10]</b> 9/1 25/5 27/9 29/20 32/1 34/16 41/12 43/23 50/1 50/17 <b>adamant [1]</b> 55/21 <b>addition [1]</b> 28/17 <b>additional [2]</b> 25/7 25/14 <b>address [4]</b> 15/11 40/24 49/9 73/14 <b>addressed [5]</b> 15/16 16/2 45/4 46/18 47/20 <b>addresses [1]</b> 15/5 <b>addressing [2]</b> 43/16 43/21 <b>adjourn [2]</b> 65/21 68/4 <b>adjourned [1]</b> 69/21 <b>administering [1]</b> 44/5 <b>administration [2]</b> 5/2 7/24 <b>administrative [1]</b> 24/14 <b>administrator [1]</b> 43/19 <b>adopt [2]</b> 8/21 43/12 <b>advance [2]</b> 35/10 37/4 <b>advise [1]</b> 5/19 <b>affiliated [2]</b> 29/12 30/5 <b>aforsaid [1]</b> 1/19 <b>after [8]</b> 15/19 28/20 36/2 44/19 48/2 60/9 62/4 73/13 <b>again [8]</b> 15/9 27/15 34/4 35/24 37/22 46/19 48/20 53/2 <b>against [6]</b> 20/10 20/12 20/13 20/21 27/18 28/17 <b>agency [8]</b> 29/12 29/13 30/5 30/8 30/15 30/23 31/1 40/4 <b>agenda [21]</b> 9/15 11/10 11/11 11/22 12/12 14/20 14/23 14/24 15/1 15/6 15/12 15/18 15/24 16/2 16/12 28/20 32/12 32/16 37/1 47/22 48/1	<b>agree [9]</b> 5/23 11/11 47/5 49/18 50/9 50/10 54/23 67/15 67/19 <b>agreed [6]</b> 3/4 3/8 5/1 50/3 64/22 65/1 <b>agreeing [1]</b> 64/25 <b>agreement [7]</b> 1/16 1/18 21/3 21/3 21/6 65/4 65/5 <b>ahead [32]</b> 8/19 9/12 9/22 10/6 11/1 11/7 11/20 12/19 12/25 13/16 13/25 14/7 14/8 15/7 16/16 19/25 25/3 26/5 26/17 27/4 27/16 27/22 28/9 31/5 34/3 34/5 35/6 39/10 41/4 52/5 52/23 60/23 <b>al [2]</b> 1/11 73/8 <b>Albany [1]</b> 2/20 <b>Alberini [1]</b> 43/9 <b>Albrecht [1]</b> 2/19 <b>Algarin [6]</b> 1/16 3/10 19/22 27/11 70/12 73/20 <b>all [34]</b> 5/1 6/14 18/9 18/11 18/12 18/25 20/8 21/18 23/18 23/20 23/21 23/23 24/3 24/6 24/10 27/1 28/4 34/2 34/25 35/23 39/21 39/22 42/13 42/24 42/25 43/14 50/19 54/12 57/1 59/5 59/5 65/4 68/3 68/15 <b>allegations [4]</b> 26/15 27/2 27/14 27/18 <b>allegiance [1]</b> 67/10 <b>allies [1]</b> 51/16 <b>allows [1]</b> 45/11 <b>alluded [1]</b> 29/7 <b>almost [1]</b> 35/22 <b>along [2]</b> 21/6 54/21 <b>already [4]</b> 15/23 23/3 53/8 58/18 <b>altered [1]</b> 67/20 <b>am [8]</b> 13/2 46/24 49/11 49/12 49/13 50/18 53/11 64/24 <b>among [6]</b> 18/8 18/11 22/25 58/4 58/4 58/6 <b>amongst [1]</b> 69/3 <b>Andrew [6]</b> 2/11 65/19 66/4 68/14 68/20 73/23 <b>Andrew's [1]</b> 68/23 <b>angry [2]</b> 20/23 21/12 <b>annually [1]</b> 8/21 <b>another [13]</b> 12/17 12/23 20/10 31/11 31/11 31/15 31/18 32/15 48/5 61/5 63/24 65/12 68/12 <b>answer [39]</b> 6/5 7/12 7/17 8/20 9/13 9/23 10/6 11/2 11/8 11/20 12/25 13/17 14/1 14/9 15/8 16/17 17/14 20/1 21/21 23/4 23/6 25/4 26/6 26/18 27/5 27/16 27/23 28/10 32/3 32/25 33/18 35/7 38/7 38/8 41/5 52/5 52/24 54/7 55/14	<b>answering [1]</b> 68/10 <b>anticipated [1]</b> 19/17 <b>anyone [7]</b> 14/20 19/17 31/25 37/12 43/1 52/15 59/13 <b>anything [22]</b> 6/4 21/17 24/24 28/19 30/12 37/23 38/21 38/25 39/6 42/1 46/21 47/11 49/18 50/3 50/8 50/12 52/20 53/7 53/15 54/2 58/16 68/25 <b>anyway [2]</b> 46/4 64/23 <b>apologize [8]</b> 37/12 55/23 57/10 57/11 58/20 58/21 58/22 61/3 <b>apologized [1]</b> 55/23 <b>apologizing [1]</b> 56/4 <b>apology [2]</b> 37/9 37/15 <b>app [1]</b> 67/24 <b>APPEARANCES [1]</b> 1/24 <b>appeared [2]</b> 62/24 71/16 <b>appreciate [12]</b> 18/2 18/16 19/2 21/21 22/14 33/25 47/2 47/6 48/15 49/16 53/10 63/17 <b>appropriate [18]</b> 10/24 11/4 12/16 12/22 13/23 14/3 26/13 28/13 32/14 33/23 35/4 36/9 39/17 42/8 46/17 48/23 48/24 49/7 <b>appropriately [2]</b> 9/20 46/14 <b>approve [1]</b> 13/11 <b>area [1]</b> 14/24 <b>areas [1]</b> 48/20 <b>aren't [3]</b> 15/6 15/12 16/2 <b>argues [1]</b> 26/21 <b>around [2]</b> 11/13 44/7 <b>arrange [1]</b> 73/11 <b>arrest [27]</b> 17/2 17/5 18/5 18/11 18/19 19/9 19/18 22/17 22/24 24/12 35/24 51/22 57/12 57/13 57/18 57/22 58/1 58/3 58/17 59/17 60/25 61/16 62/13 63/7 67/11 67/13 67/18 <b>arrested [14]</b> 37/13 56/9 56/11 56/12 56/14 57/5 59/23 60/1 60/11 60/13 61/13 61/23 62/5 64/7 <b>arresting [2]</b> 17/7 56/20 <b>articulate [1]</b> 13/4 <b>as [53]</b> 5/6 5/9 5/13 6/5 6/5 7/23 8/4 9/17 10/9 11/5 11/19 11/20 13/15 13/18 16/13 17/21 19/24 21/5 21/14 26/12 27/13 32/12 34/6 38/3 38/17 40/6 40/18 40/24 41/12 42/4 42/6 43/14 44/4 44/4 44/6 46/20 46/21 48/19 51/4 52/2 52/8 52/14 52/21 53/13 53/13 55/5 55/10 62/24 64/22 68/12 68/18 70/7 71/17
<b>MR. DOWNEY: [26]</b> 9/25 10/8 10/21 17/16 19/22 27/11 29/6 33/2 33/7 33/12 33/14 33/16 33/20 34/5 38/13 49/5 64/6 64/13 64/16 64/19 65/8 65/10 68/11 69/1 69/7 69/13	<b>4</b> <b>4000 [1]</b> 2/13 <b>41 [1]</b> 4/9 <b>412-4000 [1]</b> 2/13 <b>43054 [1]</b> 2/20 <b>43235 [1]</b> 2/12 <b>44 [1]</b> 4/9 <b>44406 [2]</b> 2/6 73/6 <b>44512 [1]</b> 73/2 <b>4:23 [1]</b> 1/9	<b>act [1]</b> 71/17 <b>action [3]</b> 1/19 41/12 41/22 <b>actions [1]</b> 20/20 <b>activities [2]</b> 24/5 41/2 <b>actual [2]</b> 23/8 58/1 <b>actually [10]</b> 9/1 25/5 27/9 29/20 32/1 34/16 41/12 43/23 50/1 50/17 <b>adamant [1]</b> 55/21 <b>addition [1]</b> 28/17 <b>additional [2]</b> 25/7 25/14 <b>address [4]</b> 15/11 40/24 49/9 73/14 <b>addressed [5]</b> 15/16 16/2 45/4 46/18 47/20 <b>addresses [1]</b> 15/5 <b>addressing [2]</b> 43/16 43/21 <b>adjourn [2]</b> 65/21 68/4 <b>adjourned [1]</b> 69/21 <b>administering [1]</b> 44/5 <b>administration [2]</b> 5/2 7/24 <b>administrative [1]</b> 24/14 <b>administrator [1]</b> 43/19 <b>adopt [2]</b> 8/21 43/12 <b>advance [2]</b> 35/10 37/4 <b>advise [1]</b> 5/19 <b>affiliated [2]</b> 29/12 30/5 <b>aforsaid [1]</b> 1/19 <b>after [8]</b> 15/19 28/20 36/2 44/19 48/2 60/9 62/4 73/13 <b>again [8]</b> 15/9 27/15 34/4 35/24 37/22 46/19 48/20 53/2 <b>against [6]</b> 20/10 20/12 20/13 20/21 27/18 28/17 <b>agency [8]</b> 29/12 29/13 30/5 30/8 30/15 30/23 31/1 40/4 <b>agenda [21]</b> 9/15 11/10 11/11 11/22 12/12 14/20 14/23 14/24 15/1 15/6 15/12 15/18 15/24 16/2 16/12 28/20 32/12 32/16 37/1 47/22 48/1	<b>Alberini [1]</b> 43/9 <b>Albrecht [1]</b> 2/19 <b>Algarin [6]</b> 1/16 3/10 19/22 27/11 70/12 73/20 <b>all [34]</b> 5/1 6/14 18/9 18/11 18/12 18/25 20/8 21/18 23/18 23/20 23/21 23/23 24/3 24/6 24/10 27/1 28/4 34/2 34/25 35/23 39/21 39/22 42/13 42/24 42/25 43/14 50/19 54/12 57/1 59/5 59/5 65/4 68/3 68/15 <b>allegations [4]</b> 26/15 27/2 27/14 27/18 <b>allegiance [1]</b> 67/10 <b>allies [1]</b> 51/16 <b>allows [1]</b> 45/11 <b>alluded [1]</b> 29/7 <b>almost [1]</b> 35/22 <b>along [2]</b> 21/6 54/21 <b>already [4]</b> 15/23 23/3 53/8 58/18 <b>altered [1]</b> 67/20 <b>am [8]</b> 13/2 46/24 49/11 49/12 49/13 50/18 53/11 64/24 <b>among [6]</b> 18/8 18/11 22/25 58/4 58/4 58/6 <b>amongst [1]</b> 69/3 <b>Andrew [6]</b> 2/11 65/19 66/4 68/14 68/20 73/23 <b>Andrew's [1]</b> 68/23 <b>angry [2]</b> 20/23 21/12 <b>annually [1]</b> 8/21 <b>another [13]</b> 12/17 12/23 20/10 31/11 31/11 31/15 31/18 32/15 48/5 61/5 63/24 65/12 68/12 <b>answer [39]</b> 6/5 7/12 7/17 8/20 9/13 9/23 10/6 11/2 11/8 11/20 12/25 13/17 14/1 14/9 15/8 16/17 17/14 20/1 21/21 23/4 23/6 25/4 26/6 26/18 27/5 27/16 27/23 28/10 32/3 32/25 33/18 35/7 38/7 38/8 41/5 52/5 52/24 54/7 55/14	<b>answering [1]</b> 68/10 <b>anticipated [1]</b> 19/17 <b>anyone [7]</b> 14/20 19/17 31/25 37/12 43/1 52/15 59/13 <b>anything [22]</b> 6/4 21/17 24/24 28/19 30/12 37/23 38/21 38/25 39/6 42/1 46/21 47/11 49/18 50/3 50/8 50/12 52/20 53/7 53/15 54/2 58/16 68/25 <b>anyway [2]</b> 46/4 64/23 <b>apologize [8]</b> 37/12 55/23 57/10 57/11 58/20 58/21 58/22 61/3 <b>apologized [1]</b> 55/23 <b>apologizing [1]</b> 56/4 <b>apology [2]</b> 37/9 37/15 <b>app [1]</b> 67/24 <b>APPEARANCES [1]</b> 1/24 <b>appeared [2]</b> 62/24 71/16 <b>appreciate [12]</b> 18/2 18/16 19/2 21/21 22/14 33/25 47/2 47/6 48/15 49/16 53/10 63/17 <b>appropriate [18]</b> 10/24 11/4 12/16 12/22 13/23 14/3 26/13 28/13 32/14 33/23 35/4 36/9 39/17 42/8 46/17 48/23 48/24 49/7 <b>appropriately [2]</b> 9/20 46/14 <b>approve [1]</b> 13/11 <b>area [1]</b> 14/24 <b>areas [1]</b> 48/20 <b>aren't [3]</b> 15/6 15/12 16/2 <b>argues [1]</b> 26/21 <b>around [2]</b> 11/13 44/7 <b>arrange [1]</b> 73/11 <b>arrest [27]</b> 17/2 17/5 18/5 18/11 18/19 19/9 19/18 22/17 22/24 24/12 35/24 51/22 57/12 57/13 57/18 57/22 58/1 58/3 58/17 59/17 60/25 61/16 62/13 63/7 67/11 67/13 67/18 <b>arrested [14]</b> 37/13 56/9 56/11 56/12 56/14 57/5 59/23 60/1 60/11 60/13 61/13 61/23 62/5 64/7 <b>arresting [2]</b> 17/7 56/20 <b>articulate [1]</b> 13/4 <b>as [53]</b> 5/6 5/9 5/13 6/5 6/5 7/23 8/4 9/17 10/9 11/5 11/19 11/20 13/15 13/18 16/13 17/21 19/24 21/5 21/14 26/12 27/13 32/12 34/6 38/3 38/17 40/6 40/18 40/24 41/12 42/4 42/6 43/14 44/4 44/4 44/6 46/20 46/21 48/19 51/4 52/2 52/8 52/14 52/21 53/13 53/13 55/5 55/10 62/24 64/22 68/12 68/18 70/7 71/17
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